



A3

Attorney Docket: P03965US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: : Ristic, et al.  
SERIAL NO: : 09/810,764  
FILED: : March 16, 2001  
TITLE: : MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION  
: FACTORS AND METHODS OF USE FOR SAME  
Grp./A.U. : 1646  
Conf. No: : 7108  
Docket No: : P03965US1

RECEIVED

MAR 29 2002

OFFICE OF PETITIONS

RECEIVED

JAN 16 2002

OFFICE OF PETITIONS

Assistant Commissioner for Patents  
ATTN: Box Missing Parts  
Washington, D.C. 20231

Dear Sir:

Applicant hereby petitions under 37 CFR § 1.47(a) to accept filing on behalf of nonsigning inventor, Genping Yang. Mr. Yang cannot be found or reached after diligent effort.

Attached to this Petition is a Statement of Facts, made by a person having first-hand knowledge of the facts, with Exhibits 1-5. The last known address of the inventor is:

Dr. Genping Yang  
Department of Biology  
University of South Dakota  
Vermillion, South Dakota 57069

BEST AVAILABLE COPY

Also attached is the \$130 Petition fee, pursuant to 37 CFR § 1.17(i).

If any additional fees are needed, please charge Deposit Account No. 26-0084.

## CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper and the documents referred to as enclosed are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231, on this 22nd day of October 2001.

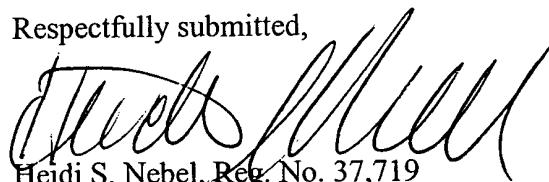
1/15/2002 CCHAU1 00000022 09810764

2 FC:122

130.00 OP

Heidi S. Nebel

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719

ZARLEY, McKEE, THOMTE, VOORHEES  
& SEASE

801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338

**CUSTOMER NO: 27,142**

Attorneys of Record

- pw -

RECEIVED

JAN 16 2002

OFFICE OF PETITIONS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Ristic, et al.  
SERIAL NO : 09/810,764  
FILED : March 16, 2001  
TITLE: MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION FACTORS AND METHODS OF USE FOR SAME

Grp./A.U. : 1646  
Conf. No. : 7108  
Docket No. : P03965US1

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF  
NONSIGNING INVENTOR (37 CFR § 1.47)

RECEIVED

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

JAN 16 2002

OFFICE OF PETITIONS

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor (Genping Yang) for the above-identified patent application before deposit thereof in the Patent and Trademark Office. This statement is being made by the available person having first-hand knowledge of the facts recited therein.

I, Patricia E. Wilson hereby declare the following:

1. I, Patricia E. Wilson, am employed by Zarley, McKee, Thomte, Voorhees & Sease, P.L.C. as a legal secretary for Heidi S. Nebel.

2. In preparation of the response to the Notice to File Missing Parts of Nonprovisional Application dated May 2, 2001, requesting us to furnish a properly signed oath or declaration in compliance with 37 CFR 1.136(a). I personally completed the following:

a) On March 13, 2001 I mailed a final draft of the above-identified application along with a declaration to Dr. Ristic and requested him to forward the declaration to Dr. Bhadula and Dr. Yang for their signatures. (Exhibit 1)

ALL AVAILABLE COPY

b) On March 14, 2001 I received a telephone call from Dr. Ristic stating that Dr. Yang was not at the University of South Dakota, and the last he knew, was in Canada, but it had been some time ago. See notes of phone call. (Exhibit 2)

c) On May 22, 2001 I called the University of South Dakota and asked for Dr. Yang. There was no one by that name listed on their directory. I was forwarded to the Biology Department and was put through to Dr. Ristic, who again reiterated that Dr. Yang had left for the University of Guelph approximately 7 years ago. He had not heard from him since. See notes of phone calls. (Exhibit 3)

d) I contacted Debra Blair, Patent Attorney at Pioneer Hi-Bred to let her know that we have been unable to locate Dr. Yang. May 22, 2001 she sent an e-mail to Heidi stating she had made numerous attempts to locate an address or phone number for Dr. Genping Yang. She was in contact with Dr. Engstrom who is Pioneer's contractual contact, who transferred her to Gloria in Accounting; who recommended she call Personnel; who recommended she call Financial Aid; who recommended she call the Registrar's Office. After numerous other calls, she still has no current information as to Dr. Yang's whereabouts. See e-mail of May 22 attached herewith. (Exhibit 4)

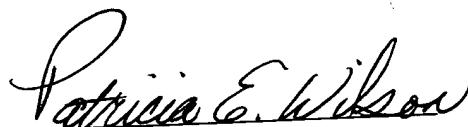
3. July 13, 2001 I mailed a copy of the application and declaration to Dr. Yang via Certified Mail at the last known address of Dr. Yang by myself, colleagues at Pioneer and at South Dakota, his last known place of employment. The parcel was returned marked "Return to Sender, Attempted Not Known". (Exhibit 5)

4. The last known address of the nonsigning inventor is as follows:

Dr. Genping Yang  
Department of Biology  
University of South Dakota  
Vermillion, South Dakota 57069

5. All exhibits attached herewith are true and accurate copies of documents authored or received by me.

The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.



Patricia E. Wilson  
Zarley, McKee, Thomte, Voorhees & Sease, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721

Date October 22, 2001

STATE OF IOWA  
COUNTY OF POLK

This instrument was acknowledged before me

on October 22, 2001  
(date)

by Patricia E. Wilson  
(name of person)



Barbara A. Sease  
Notary Public  
My commission expires 1-16-2005

(SEAL)